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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate pagung is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 4th
December, 1985:—

BILL NO. XXVI OF 1985

A Bill to amend the International Airports Authority Act, 1971.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic
of India as follows:—

1. This Act may be called the International Airports Authority (Amendment) Act, 1985. Short title.

43 of 1971. 2. In section 36 of the International Airports Authority Act, 1971 (hereinafter referred to as the principal Act),— Amend-
ment of
section 36

(a) after sub-section (2), the following sub-section shall be
inserted and shall be deemed always to have been inserted, namely:—

“(2A) The power to make rules conferred by clauses (a) and
(c) of sub-section (2) shall include the power to give retrospec-
tive effect, from a date not earlier than the date of commence-
ment of this Act, to such rules or any of them but no retrospec-
tive effect shall be given to any rule so as to prejudicially
affect the interests of any person to whom such rule may be
applicable.”;

(b) in sub-section (3), for the words "in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following", the words "in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

Amend-
ment of
section 37.

3. In section 37 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

"(3) The power to make regulations conferred by clause (b) of sub-section (2) shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to such regulations or any of them but no retrospective effect shall be given to any regulation so as to prejudicially affect the interests of any person to whom such regulation may be applicable.

(4) The Central Government shall cause every regulation made under this section to be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation, or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation."

Valida-
tion.

4. (1) The International Airports Authority of India (Conditions of Service of the Chairman and other whole-time Members) Rules, 1973 (hereafter in this section referred to as the 1973 Rules) published with the notification of the Government of India in the then Ministry of Tourism and Civil Aviation No. S.O. 717(E), dated the 29th November, 1973, shall be deemed to be, and to have always been, made under section 36 of the principal Act as amended by clause (a) of section 2 of this Act, and accordingly, the 1973 Rules shall not be deemed to be invalid or ever to have become invalid merely on the ground that they were made with retrospective effect.

(2) Every order made or purporting to have been made by the Central Government under rule 7 of the 1973 Rules before the date of commencement of this Act and any action or thing taken or done under such order shall be and shall be deemed always to have been as valid and effective as if such order had been included in and formed part of that rule.

STATEMENT OF OBJECTS AND REASONS

The conditions of service of the Chairman and other whole-time Members of the International Airports Authority of India are covered by the International Airports Authority of India (Conditions of Service of the Chairman and other whole-time Members) Rules, 1973, which were made under section 36 of the International Airports Authority Act, 1971. As the first Chairman and whole-time Member of the Authority had been appointed on the 1st February, 1972 and the 1st October, 1972, respectively, these Rules had to be given retrospective effect from 1st February, 1972. The Committee on Subordinate Legislation (Fifth Lok Sabha) which examined these Rules has pointed out that as the said section 36 does not permit rules being made with retrospective effect, the section should be suitably amended to regularise the matter. The Committee has also observed that rule 7 of the said Rules which leaves the conditions of service of the Chairman and other whole-time Members (other than those relating to salary, residential accommodation, transport and travelling allowances) to be regulated by orders made thereunder, is not consistent with the letter and spirit of the said Act and that the matters left to be provided for by orders should be provided for in the Rules. It is, accordingly, proposed to amend section 36 of the International Airports Authority Act, 1971 suitably to remove the defect pointed out by the Committee on Subordinate Legislation and to validate the said Rules and Orders.

2. There is generally a time gap between the taking of decisions by Government with regard to revision of scales of pay and of allowances and the issue of the necessary orders in that behalf. In such cases, it becomes necessary to make rules and regulations as to conditions of service with retrospective effect. It is proposed to avail of the present opportunity to amend section 36 and section 37 of the International Airports Authority Act, 1971 to enable the making of rules and regulations as to conditions of service, etc., of the Chairman, Members of the Authority and officers and employees of the Authority with retrospective effect subject, however, to the safeguard that no rules or regulations shall be made retrospectively so as to prejudicially affect the interests of any person who may be governed by such rules or regulations.

3. It is also proposed, in accordance with the recommendations of the Committee on Subordinate Legislation relating to laying of rules and regulations, to avail of the present opportunity to make the necessary amendments in section 36(3) of the said Act and include in section 37 of the said Act a provision for the laying of regulations.

4. The Bill seeks to achieve the above objects.

NEW DELHI;

The 25th November, 1985.

JAGDISH TYTLER.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill seeks to insert a new sub-section (2A) in section 36 of the International Airports Authority Act, 1971, to empower the Central Government to make rules under clauses (a) and (c) of sub-section (2) of that section with retrospective effect also. Similarly, clause 3 of the Bill seeks to insert sub-section (3) in section 37 of the said Act to empower International Airports Authority of India to make regulations under clause (b) of sub-section (2) of that section with retrospective effect. Such a power is necessary to give effect to decisions for improving the conditions of service of persons governed by the said rules or regulations with retrospective effect. Further, it has been made clear that the power cannot be exercised so as to prejudicially affect the interests of any person who may be governed by the said rules or regulations. In the circumstances, the delegation of legislative power is of a normal character.

SUDARSHAN AGARWAL,
Secretary-General.